

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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U.S. DISTRICT COURT
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TX EASTERN-MARSHALL

LG ELECTRONICS, INC.,

Plaintiff,

v.

**HITACHI, LTD., FUJITSU HITACHI
PLASMA DISPLAY LTD., HITACHI
AMERICA LTD., and HITACHI HOME
ELECTRONICS (AMERICA) INC.,**

Defendants.

Civil Case No. 2 - 07 CV - 251

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff LG Electronics, Inc ("LGE") brings this action for patent infringement against Defendants Hitachi, Ltd., Fujitsu Hitachi Plasma Display Ltd., Hitachi America Ltd., and Hitachi Home Electronics (America), Inc. (hereinafter, individually and collectively, "the Hitachi Defendants") and hereby alleges as follows:

PARTIES

1. Plaintiff LG Electronics, Inc is a foreign corporation organized and existing under the laws of the Republic of Korea with its principal place of business at LG Twin Towers, 20 Yeouido-dong, Yeoungdeungpo-gu, Seoul, 150-721, South Korea. LGE designs, makes, and sells many different products world-wide for consumer use including personal computers, mobile telephone handsets, DVD recorders and players, washing machines, and, most relevant here, plasma display TVs. LGE is the owner of record of the patents involved in this action.

2. On information and belief, Hitachi, Ltd (“Hitachi”) is a foreign corporation organized and existing under the laws of Japan with its principal place of business at 4-6 Kanda-Surugadai, Chiyoda-ku, Tokyo 101-8010, Japan. Hitachi is a large entity involved in the design, manufacture, use, sale, importation and/or distribution of a wide-range of consumer electronics products including the plasma display products accused of infringement herein.

3. On information and belief, Fujitsu Hitachi Plasma Display Ltd. (“FHPD”) is a foreign corporation organized and existing under the laws of Japan with its principal place of business at 1815 Tajiri, Kunitmoi-cho, Higashimorokata-gun, Miyazaki, Japan. On information and belief, defendant Hitachi is an owner of defendant FHPD. FHPD designs, manufactures, uses, sells, imports, and/or distributes plasma display products accused of infringement herein.

4. On information and belief, Hitachi America Ltd. (“Hitachi America”) is a New York corporation with its principal place of business at 2000 Sierra Point Parkway, No. 9, Brisbane, California. Upon information and belief, Hitachi is a direct owner of Hitachi America. Hitachi America designs, manufactures, uses, sells, imports, and/or distributes plasma display products accused of infringement herein.

5. On information and belief, Hitachi Home Electronics (America), Inc (“Hitachi Home Electronics”) is a California corporation with its principal place of business at 900 Hitachi Way, Chula Vista, California. Upon information belief, Hitachi is a direct or indirect owner of Hitachi Home Electronics. Hitachi Home Electronics designs, manufactures, uses, sells, imports, and/or distributes plasma display products accused of infringement herein.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the patent laws of the United States, including 35 U.S.C. § 271. This Court has subject matter jurisdiction pursuant to

28 U S C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U S C § 271 et seq

7. This Court has personal jurisdiction over the Hitachi Defendants because each does business in Texas and in this judicial district and/or has infringed or caused infringement in Texas and in this judicial district

8. The Court has personal jurisdiction over the Hitachi Defendants because each has established minimum contacts with the forum and the exercise of jurisdiction over them would not offend traditional notions of fair play and substantial justice. On information and belief, the Hitachi Defendants knowingly and intentionally participate in a stream of commerce between, for example, Japan and the United States with a portion of such stream including sales of plasma display televisions and products (hereinafter the “accused PD products”) that embody the system, practice the method, and/or produce the product covered by one or more claims of patents owned by LGE, as asserted in greater detail hereinafter. By way of example, the accused PD products include those ultimately sold and/or offered for sale within this judicial district under the Hitachi brand name such as, for example, plasma display TV’s with model No. 55HDS69. In accordance with established distribution channels for the accused products, the Hitachi Defendants reasonably anticipated that accused PD products would end up in this district and be sold therein

9. Venue is proper in this Court pursuant to 28 U S C. §§ 1391 and 1400(b).

FACTUAL BACKGROUND

10 LGE is the owner by assignment of all right, title, and interest in and to United States Patent No. 6,621,230 ("the '230 patent"), entitled "Method for Operating PDP." The '230 patent was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on September 16, 2003.

11. LGE is the owner by assignment of all right, title, and interest in and to United States Patent No. 6,624,587 ("the '587 patent"), entitled "Method and Apparatus for Driving Plasma Display Panel." The '587 patent was duly and legally issued by the USPTO on September 23, 2003.

12 LGE is the owner by assignment of all right, title, and interest in and to United States Patent No. 6,791,516 ("the '516 patent"), entitled "Method and Apparatus for Providing a Gray Level in a Plasma Display Panel." The '516 patent was duly and legally issued by the USPTO on September 14, 2004

13 LGE is the owner by assignment of all right, title, and interest in and to United States Patent No. 6,906,690 ("the '690 patent"), entitled "Method of Driving Plasma Display Panel and Apparatus Thereof." The '690 patent was duly and legally issued by the USPTO on June 14, 2005.

14. This case is not the only one between the parties relating to plasma display products. On April 23, 2007, Hitachi Plasma Panel Licensing Co., Ltd. ("HPPL"), an entity which Hitachi owns an approximately 80% interest in, filed a lawsuit in this Court alleging infringement by LG Electronics, Inc. and LG Electronics U.S.A., Inc. of seven patents relating to plasma display technology. That case is styled *Hitachi Plasma Panel Licensing Co., Ltd. V*

LG Electronics, Inc and LG Electronics USA, Case No 2:07-cv-0155-TJW (E.D Texas) (J. Ward).

15. On the same day that the Texas case was filed, another named Hitachi entity filed a lawsuit in the United States District Court for the Northern District of California relating to the same patents at issue here - the '230, '587, '516 and '690 patents. Specifically, on April 23, 2007, defendant FHPD (which, as noted, upon information and belief, is an entity owned by Hitachi, Ltd.), filed an action seeking a declaratory judgment of non-infringement and invalidity of the '230, '587, '516 and '690 patents ("the California DJ case") The California DJ case is styled *Fujitsu Hitachi Plasma Display Ltd v LG Electronics, Inc.*, C-07-2201-JCS (N.D. Cal.).

16. On the date of filing this complaint, LGE has filed a separate complaint against the Hitachi Defendants alleging infringement by the Hitachi Defendants of certain LGE patents not asserted in either this case or in the California DJ case.

17. Although the instant action was filed after the California DJ case in the Northern District of California involving the same patents, the California DJ case was improvidently filed by one Hitachi entity without a basis to seek declaratory relief thus requiring dismissal and, in any event, this Court is the proper forum for adjudicating the patent disputes relating to plasma display technology between LGE and the various Hitachi entities, a point starkly emphasized by virtue of Hitachi's filing of its own patent infringement action here. For that reason, LGE has filed today in the Northern District of California a Motion to Dismiss or, in the Alternative, Transfer to this Court. A convenience copy of LGE's Motion to Dismiss or, in the Alternative, Transfer is being filed with this Court contemporaneously herewith

COUNT 1 - INFRINGEMENT OF THE '230 PATENT

18. LGE realleges and incorporates herein by reference the allegations in paragraphs 1-17 above.

19. The Hitachi Defendants are directly infringing, contributing to the infringement of, or inducing others to infringe the '230 patent by, for example, making, using, offering to sell, or selling the accused PD products within, or importing the accused PD products into, the United States, or inducing others to make, use, offer to sell, or sell the accused PD products within, or import the accused PD products into, the United States.

20. As a result of the Hitachi Defendants' unlawful infringement of the '230 patent, LGE has suffered and will continue to suffer damage. LGE entitled to recover damages adequate to compensate for that infringement.

21. The Hitachi Defendants' acts of infringement herein have been made with full knowledge of LGE's rights in the '230 patent. Such acts constitute willful and deliberate infringement, entitling LGE to enhanced damages and reasonable attorney fees.

22. The Hitachi Defendants' acts of infringement have caused and will continue to cause irreparable injury to LGE unless and until enjoined by this Court.

COUNT 2 - INFRINGEMENT OF THE '587 PATENT

23. LGE realleges and incorporates herein by reference the allegations in paragraphs 1-22 above.

24. The Hitachi Defendants are directly infringing, contributing to the infringement of, or inducing others to infringe the '587 patent by, for example, making, using, offering to sell, or selling the accused PD products within, or importing the accused PD products into, the United

States, or inducing others to make, use, offer to sell, or sell the accused PD products within, or import the accused PD products into, the United States.

25. As a result of the Hitachi Defendants' unlawful infringement of the '587 patent, LGE has suffered and will continue to suffer damage. LGE entitled to recover damages adequate to compensate for that infringement

26. The Hitachi Defendants' acts of infringement herein have been made with full knowledge of LGE's rights in the '587 patent. Such acts constitute willful and deliberate infringement, entitling LGE to enhanced damages and reasonable attorney fees

27. The Hitachi Defendants' acts of infringement have caused and will continue to cause irreparable injury to LGE unless and until enjoined by this Court

COUNT 3 - INFRINGEMENT OF THE '516 PATENT

28. LGE realleges and incorporates herein by reference the allegations in paragraphs 1-27 above

29. The Hitachi Defendants are directly infringing, contributing to the infringement of, or inducing others to infringe the '516 patent by, for example, making, using, offering to sell, or selling the accused PD products within, or importing the accused PD products into, the United States, or inducing others to make, use, offer to sell, or sell the accused PD products within, or import the accused PD products into, the United States.

30. As a result of the Hitachi Defendants' unlawful infringement of the '516 patent, LGE has suffered and will continue to suffer damage. LGE entitled to recover damages adequate to compensate for that infringement.

31. The Hitachi Defendants' acts of infringement herein have been made with full knowledge of LGE's rights in the '516 patent. Such acts constitute willful and deliberate infringement, entitling LGE to enhanced damages and reasonable attorney fees.

32. The Hitachi Defendants' acts of infringement have caused and will continue to cause irreparable injury to LGE unless and until enjoined by this Court.

COUNT 4 - INFRINGEMENT OF THE '690 PATENT

33. LGE realleges and incorporates herein by reference the allegations in paragraphs 1-32 above

34. The Hitachi Defendants are directly infringing, contributing to the infringement of, or inducing others to infringe the '690 patent by, for example, making, using, offering to sell, or selling the accused PD products within, or importing the accused PD products into, the United States, or inducing others to make, use, offer to sell, or sell the accused PD products within, or import the accused PD products into, the United States.

35. As a result of the Hitachi Defendants' unlawful infringement of the '690 patent, LGE has suffered and will continue to suffer damage. LGE entitled to recover damages adequate to compensate for that infringement.

36. The Hitachi Defendants' acts of infringement herein have been made with full knowledge of LGE's rights in the '690 patent. Such acts constitute willful and deliberate infringement, entitling LGE to enhanced damages and reasonable attorney fees.

37. The Hitachi Defendants' acts of infringement have caused and will continue to cause irreparable injury to LGE unless and until enjoined by this Court

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff LGE demands a jury trial on all issues so triable

PRAYER FOR RELIEF

Wherefore, Plaintiff LGE prays that this Court:

- (1) Enter judgment that the Hitachi Defendants have infringed the '230, '587, '516, and '690 patents;
- (2) Permanently enjoin the Hitachi Defendants and their officers, agents, employees, representatives, successors and assigns, and any others acting in concert with them, from infringing the '230, '587, '516, and '690 patents;
- (3) Award LGE damages resulting from the Hitachi Defendant's infringement adequate to compensate for that infringement, including pre- and post-judgment interest as allows by law;
- (4) Award LGE treble damages as a result of the Hitachi Defendants' willful infringement;
- (5) Award LGE its costs in this action, declare that this case is an exceptional one under 35 U.S.C. § 285, and award LGE its reasonable attorney's fees; and
- (6) Award LGE such further, necessary and proper relief as this Court may deem just and reasonable

Dated: June 18, 2007

Respectfully submitted,

By:

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